

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

<p>STATE OF SOUTH CAROLINA,  SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,  and  SAVANNAH RIVER MARITIME COMMISSION,  Plaintiffs,  v.  UNITED STATES ARMY CORPS OF ENGINEERS;  UNITED STATES ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT;  RYAN MCCARTHY, In his official capacity as Secretary of the Army;  LT. GENERAL TODD T. SEMONITE, In his official capacity as Commanding General and Chief of Engineers, U.S. Army Corps Of Engineers;  MAJOR GENERAL DIANA M. HOLLAND, In her official capacity as Commanding General, South Atlantic Division, U.S. Army Corps of Engineers;  and  COLONEL DANIEL H. HIBNER, In his official capacity as District Engineer, U.S. Army Corps of Engineers, Savannah District,  Defendants.</p>	<p>C/A NO.: 1:19-cv-3132-RMG</p> <p style="text-align:center"><b>GEORGIA PORTS AUTHORITY'S MOTION TO INTERVENE</b></p>
---	--

The Georgia Ports Authority (“GPA”) respectfully moves to intervene in this action. In support of this motion, GPA states as follows:

1. GPA is entitled to intervene as a matter of right under Fed. R. Civ. P. 24(a)(2) because this motion is timely, it has an interest in the subject matter of this action, the denial of its motion would impair or impede its ability to protect its interests, and it is not adequately represented by the current litigants.

2. The Court should allow GPA to intervene under Fed. R. Civ. P. 24(b) because GPA’s motion is timely, its claims and defenses present common questions of law and fact with the main action, and its intervention will not cause undue delay or prejudice to the original litigants in the action.

3. The grounds for this motion are more fully set forth in the memorandum of law filed contemporaneously herewith, in accordance with Local Civil Rule 7.04.

4. Pursuant to Local Civil Rule 7.02, the undersigned counsel conferred with counsel of record in this matter. Counsel for Plaintiffs take no position on GPA’s intervention. Counsel for Defendants consent to GPA’s intervention.

WHEREFORE, GPA respectfully moves this Court for an order allowing it to intervene in this action as a Defendant and for such other relief the Court may deem just and proper.

Respectfully submitted,

	<p><u>s/ Rita Bolt Barker</u> Rita Bolt Barker (USDC ID No.10566) Gregory J. English (USDC ID No.5737) <b>WYCHE, P.A.</b> 200 East Camperdown Way Greenville, SC 29601 <a href="mailto:rbarker@wyche.com">rbarker@wyche.com</a> <a href="mailto:gengish@wyche.com">gengish@wyche.com</a></p>
--	--

Telephone: (864) 242-8200  
Facsimile: (864) 235-8900

*Attorneys for Intervenor-Defendant Georgia Ports Authority*

Of Counsel:

Susan H. Richardson (*Pro Hac Vice Pending*)  
Ronald L. Raider (*Pro Hac Vice Pending*)  
**KILPATRICK TOWNSEND & STOCKTON, LLP**  
1100 Peachtree Street,  
Suite 2800  
Atlanta, GA 30309  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
[srichardson@kilpatricktownsend.com](mailto:srichardson@kilpatricktownsend.com)  
[rraider@kilpatricktownsend.com](mailto:rraider@kilpatricktownsend.com)

Paul H. Threlkeld (*Pro Hac Vice Pending*)  
Special Assistant Attorney General  
**OLIVER MANER LLP**  
Post Office Box 10186  
Savannah, Georgia 31412  
(912) 236-3311  
[pht@olivermaner.com](mailto:pht@olivermaner.com)